

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. _____

UNITED STATES OF AMERICA,

Petitioner,

v.

TY RYAN ELLIOTT,

Respondent.

**PETITION TO DETERMINE
PRESENT MENTAL CONDITION
OF AN IMPRISONED PERSON
DUE FOR RELEASE UNDER 18
U.S.C. § 4246**

The United States of America, by and through the United States Attorney for the District of Minnesota, moves the Court for a hearing on the present mental condition of Respondent TY RYAN ELLIOTT pursuant to 18 U.S.C. § 4246. In support of its petition, the United States of America states as follows:

1. Respondent is incarcerated at the Federal Medical Center in Rochester, Minnesota (FMC Rochester).

2. Respondent was convicted of threats against the President of the United States, in violation of 18 U.S.C. § 871(a), and was incarcerated for a five-year provisional term of imprisonment 18 U.S.C. § 4244(d), issued by the United States District Court for the Western District of Pennsylvania. Respondent is scheduled for release from the provisional sentence on August 8, 2018. A copy of the § 4244 Order and SENTRY Public Information Inmate Data is attached as Exhibit A. However, FMC Rochester staff have recommended Respondent be discharged from his § 4244(d) commitment, and the Western

District of Pennsylvania has scheduled final sentencing for Monday, July 20, at 11:00 a.m. local time. Respondent will remain at FMC Rochester and appear via video-conference at the sentencing.

3. Mental health staff at FMC Rochester have examined Respondent. It is the opinion of mental health staff, Dr. Jason Gabel, that Respondent suffers from a mental disease or defect as a result of which his release from custody would create a substantial risk of bodily injury to another person or serious damage to the property of another. A Risk Assessment evaluation is currently being drafted, and a copy of the final Risk Assessment evaluation will be filed under seal as Exhibit B once a judicial assignment is made and an under seal filing order obtained.

4. At present, suitable arrangements for state custody are not available.

5. Attached hereto as Exhibit C is a certificate of Mental Disease or Defect and Dangerousness executed by Michael D. Smith, Warden(Acting) at FMC Rochester.

6. There is clear and convincing evidence that Respondent suffers from a mental disease or defect which would create a substantial risk of bodily injury to another person or serious damage to the property of another if Respondent is released.

WHEREFORE, the United States of America moves this Court to set a time and date for a hearing to determine the present mental condition of Respondent; for an order finding that Respondent continues to suffer from a mental disease or defect; for an order committing Respondent to the custody of the Attorney General for continued hospitalization and treatment pursuant to Title 18 U.S.C. § 4246 until suitable state

placement may be found or until Respondent's release no longer constitutes a substantial risk of bodily injury to another person or serious damage to the property of another.

Dated: July 17, 2015

ANDREW M. LUGER
United States Attorney

s/ Ana H. Voss

BY: ANA H. VOSS
Assistant U.S. Attorney
Attorney ID No. 483656DC
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
Phone: 612-664-5600
Email: Ana.Voss@usdoj.gov